

FILED IN CHAMBERS
U.S.D.C. Atlanta

June 25, 2025

JUN 30 2025

By: 
Kevin P. Weimer, Clerk
Deputy Clerk

Honorable Victoria M. Calvert
United States District Court
Northern District of Georgia
75 Ted Turner Drive SW
Atlanta, GA 30303

**Re: Opposition to Motion to Approve Living Expenses/Income
for Todd Burkhalter**
Civil Action No. 1:24-cv-03583-VMC
SEC v. Drive Planning, LLC, et al.

Northern District

Dear Judge Calvert,

I write this letter to express my **strong and unequivocal opposition** to any motion before this Court seeking to approve living expenses or income allocation for **Todd Burkhalter**.

Mr. Burkhalter stands at the center of a massive Ponzi scheme that has devastated the financial well-being of numerous individuals, including myself. Granting him access to any funds for personal use — while victims continue to suffer the consequences of his actions — would be not only unjust, but fundamentally contrary to the principles of fairness and accountability.

Available records and victim testimony reveal that Mr. Burkhalter played a central rôle in orchestrating this fraudulent scheme under the guise of legitimate investment offerings. This is a textbook example of a Ponzi operation: early investors were paid

with the funds of later ones, all while being misled with false promises of secure, high-return opportunities.

This conduct mirrors the egregious facts in *SEC v. Quan*, 817 F.3d 583 (8th Cir. 2016), where the court found that individuals involved in fraudulent schemes are not entitled to access frozen or tainted assets for personal living expenses. In that case, the court emphasized that "disgorgement and asset freezes exist precisely to prevent wrongdoers from benefiting from their misconduct."

Allowing Mr. Burkhalter to draw any income or receive any support from assets tied to the scheme he orchestrated would serve as an affront to those of us who have lost our savings, retirement funds, and financial security. It would reward fraud, not rectify it.

I respectfully urge the Court to **deny the motion in its entirety** and to ensure that all available funds are preserved exclusively for the restitution of victims.

Thank you for your time, and for your commitment to justice in this matter.

Sincerely,

Cheryl Duel - Investor

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Equality
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2025

CLEAR DATE

HONORABLE Victoria M. CALVERT
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
75 TED TURNER DRIVE SW.
ATLANTA, GA - 30303



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